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U.S.PTO

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	016930-003713US
First Inventor	Nielsen, Loretta
Title	COMBINED TUMOR SUPPRESSOR GENE THERAPY AND CHEMOTHERAPY IN THE TREATMENT OF NEOPLASMS
Express Mail Label No.	EV 444461863 US

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.		<b>ADDRESS TO</b>	U.S.PTO 10/823932 041304
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i>		7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)	17510
2. <input type="checkbox"/> Applicant claims small entity status. <i>See 37 CFR 1.27.</i>		8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i>	
3. <input checked="" type="checkbox"/> Specification <i>[Total Pages 91]</i> <i>(preferred arrangement set forth below)</i> <ul style="list-style-type: none"> <li>- Descriptive title of the Invention</li> <li>- Cross Reference to Related Applications</li> <li>- Statement Regarding Fed sponsored R &amp; D</li> <li>- Reference to sequence listing, a table, or a computer program listing appendix</li> <li>- Background of the Invention</li> <li>- Brief Summary of the Invention</li> <li>- Brief Description of the Drawings (<i>if filed</i>)</li> <li>- Detailed Description</li> <li>- Claim(s)</li> <li>- Abstract of the Disclosure</li> </ul>		a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</li> <li>ii. <input type="checkbox"/> Paper number of pages</li> </ul> c. <input type="checkbox"/> Statements verifying identity of above copies	
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <i>[Total Sheets 13]</i>		9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))	
5. Oath or Declaration <i>[Total Pages 9]</i>		10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of <i>(when there is an assignee)</i> Attorney	
a. <input type="checkbox"/> Newly executed (original or copy)		11. <input type="checkbox"/> English Translation Document ( <i>if applicable</i> )	
b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) <i>(for a continuation/divisional with Box 18 completed)</i>		12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS <i>Citations</i>	
i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> <i>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</i>		13. <input checked="" type="checkbox"/> Preliminary Amendment	
6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76		14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>	
		15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>	
		16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent	
		17. <input checked="" type="checkbox"/> Other: Communication	

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation  Divisional  Continuation-in-part (CIP) of prior application No: 09/311,772

Prior application information: Examiner K. Lacourciere Art Unit: 1635

For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number	20350	OR <input type="checkbox"/> Correspondence address below
Name		
Address		
City	State	Zip Code
Country	Telephone	Fax

Name (Print/Type)	Nathan S. Cassell		Registration No. (Attorney/Agent)	42,396
Signature	<i>Nathan S. Cassell</i>		Date	4-13-04



167-1

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 770)

## Complete if Known

Application Number	UNASSIGNED
Filing Date	(04/13/04)
First Named Inventor	Nielsen, Loretta
Examiner Name	UNASSIGNED
Art Unit	UNASSIGNED
Attorney Docket No.	016930-003713US

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  Other  None  
 Deposit Account:

Deposit Account Number 20-1430

Deposit Account Name Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity

Small Entity

Fee Code (\$)	Fee	Fee Code (\$)	Fee Description	Fee Paid
1001	770	2001	385 Utility filing fee	770
1002	340	2002	170 Design filing fee	
1003	530	2003	265 Plant filing fee	
1004	770	2004	385 Reissue filing fee	
1005	160	2005	80 Provisional filing fee	

SUBTOTAL (1) (\$770)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Large Entity	Small Entity	Fee from below		Fee Paid
		Extra Claims	Fee (\$)	
Total Claims	11	-20**	= 0	X\$18
Independent Claims	3	-3**	= 0	X\$66
Multiple Dependent			X	

Large Entity

Small Entity

Fee Code (\$)	Fee	Fee Code (\$)	Fee Description
1202	18	2202	9 Claims in excess of 20.
1201	86	2201	43 Independent claims in excess of 3
1203	290	2203	145 Multiple dependent claim, if not paid
1204	86	2204	43 ** Reissue independent claims over original patent
1205	18	2205	9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65 Surcharge - late filing fee or oath		
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet		
1053	130	1053	130 Non-English specification		
1812	2,520	1812	2,520 For filing a request for reexamination		
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action		
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action		
1251	110	2251	55 Extension for reply within first month		
1252	420	2252	210 Extension for reply within second month		
1253	950	2253	475 Extension for reply within third month		
1254	1,480	2254	740 Extension for reply within fourth month		
1255	2,010	2255	1,005 Extension for reply within fifth month		
1401	330	2401	165 Notice of Appeal		
1402	330	2402	165 Filing a brief in support of an appeal		
1403	290	2403	145 Request for oral hearing		
1451	1,510	1451	1,510 Petition to institute a public use proceeding		
1452	110	2452	55 Petition to revive – unavoidable		
1453	1,330	2453	665 Petition to revive – unintentional		
1501	1,330	2501	665 Utility issue fee (or reissue)		
1502	480	2502	240 Design issue fee		
1503	640	2503	320 Plant issue fee		
1460	130	1460	130 Petitions to the Commissioner		
1807	50	1807	50 Petitions related to provisional applications		
1806	180	1806	180 Submission of Information Disclosure Stmt		
8021	40	8021	40 Recording each patent assignment per property (times number of properties)		
1809	770	2809	385 Filing a submission after final rejection (37 CFR § 1.129(a))		
1810	770	2810	385 For each additional invention to be examined (37 CFR § 1.129(b))		
1801	770	2801	385 Request for Continued Examination (RCE)		
1802	900	1802	900 Request for expedited examination of a design application		
Other fee (specify) _____					

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Nathan S. Cassell	Registration No. (Attorney/Agent)	42,396	Telephone	650-326-2400
Signature				Date	4/13/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

"Express Mail" Label No. EV 444461863 US

Date of Deposit 11.13.04

PATENT

Docket No.: 016930-003713US

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Nielsen et al.

Application No.: Not Yet Assigned

Filed: Not Yet Assigned

For: COMBINED TUMOR  
SUPPRESSOR GENE THERAPY AND  
CHEMOTHERAPY IN THE  
TREATMENT OF NEOPLASMS

Examiner: Lacourciere, K.

Art Unit: 1635

**COMMUNICATION *regarding*  
CONTINUATION APPLICATION TO  
CORRECT INVENTORSHIP**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This continuation application is filed pursuant to MPEP 201.03 to correct the inventorship in the currently allowed and co-pending parent case, application number 09/311,772 filed May 13, 1999. The Declaration filed in parent application names the following inventors: Loretta Nielsen, Jo Ann Horowitz, Daniel C. Maneval, G. William Demers, Mary Ellen Rybak, and Gene Resnick. Due to claim cancellations during prosecution of the parent case, however, fewer than all of the above-named inventors are the actual inventors of the remaining claims. Therefore, Applicant hereby files a continuation application naming only inventors **Loretta Nielsen, Jo Ann Horowitz, Daniel C. Maneval, and G. William Demers**, who are the inventors on the allowed claims of the parent case (which are re-filed in the instant continuation application).

This continuation patent application is appropriate because at least one of the inventors in the current application was named in the executed declaration of the prior application. Applicant claims benefit of the parent application's filing date.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (650) 326-2400.

Respectfully submitted,



Nathan S. Cassell  
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